

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

David Earl Wattleton,

File No. 24-cv-1166 (ECT/JFD)

Plaintiff,

v.

**ORDER ACCEPTING REPORT
AND RECOMMENDATION**

B. Krage, *Environmental and Safety
Compliance Specialist, For Federal Medical
Center Rochester,*

Defendant.

Magistrate Judge John F. Docherty issued a Report and Recommendation on April 15, 2024. ECF No. 3. No party has objected to that Report and Recommendation, and it is therefore reviewed for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all of the files, records, and proceedings in the above-captioned matter, **IT IS ORDERED THAT:**

1. The Report and Recommendation [ECF No. 3] is **ACCEPTED**;
2. The action is **DISMISSED without prejudice** pursuant to 28 U.S.C. § 1915(e)(2)(B); and
3. Plaintiff's application to proceed *in forma pauperis* [ECF No. 2] is **DENIED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: May 13, 2024

s/ Eric C. Tostrud

Eric C. Tostrud

United States District Court